**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2099 OF 2005**

Manjeet Singh Anand ..Petitioner
versus
State of Maharashtra & Ors. ..Respondents

**WITH**
**CRIMINAL APPLICATION NO. 5950 OF 2005**
**IN**
**WRIT PETITION NO. 2099 OF 2005**

Manjeet Singh Anand ..Petitoner
versus
The State of Maharashtra & Ors. ..Respondents
And
Simplex Concrete Piles (India) Limited ..Intervenor

Mr. S. Jha and J. Shah i/b. M/s. Law Global for the Petitioner.

Mrs. P. H. Kantharia, APP for the State.

Mr. A. P. Mundargi, Senior Advocate for the Intervenor.

**CORAM : D. G. DESHPANDE, &**
**V. M. KANADE, JJ.**

**DATE : 30TH NOVEMBER,2005**

**ORAL ORDER :**

1. Heard Mr. Jha for the petitioner, learned APP for the State and Mr. Mundargi for one of the accused (intervenor).

2. The contention of the petitioner is that the Home Minister of the State has directed investigation by the CID. When the Writ Petition No. 1837 of 2005 came before this court, the Division Bench of this court disposed of the petition after noting that :

> "...There is also an order made by the Home Minister, directing transfer of this case to the CID of the State.....
>
> In our opinion, no interference is called for as the matter is transferred by orders of the State to the CID Branch."

3. Now, the State is trying to find out a way to come out of this order and avoiding to transfer the matter to the CID. According to the learned APP, the Home Minister did not order investigation but ordered only enquiry. That kind of jugglery of words cannot be permitted because the Division Bench of this Court has taken cognizance of the fact and passed an order and allowed Writ Petition No. 1837 of 2005 to be withdrawn.

4. Therefore, there has to be investigation by the CID .

5. Mr. Mundargi contended that one of his client has filed the writ petition, as above, and that petition was withdrawn by him on the statement of the APP that the dispute is of the civil nature. Mr. Mundargi states that when the enquiry is ordered by the CID, then his client's right and prayer for quashing, should not be affected. He is fully justified in making this prayer. He also apprehends that the petitioner is choosing forums according to his choice and even if the CID gives a report, he may claim that the investigation should be done by some other Authority or Agency including CBI. Mr. Jha representing the petitioner, and the petitioner, who is present, states that whatever is the outcome of the investigation by the CID, he will bound by that. In view of this, we pass the following order:

**ORDER**

. Matter as referred to in the Order of

Division Bench dated 25.7.2005, and, which is subject matter of this writ petition should be investigated and now by the order of this court stands transferred to CID for further investigation.

. Statement of the petitioner is recorded that outcome of the investigation by CID will be accepted by him and he will be bound by the same.

. The right of Mr. J. K. Bagadia, one of the accused, only, to apply for quashing, is kept open.

. Petition and Criminal Application disposed of accordingly.

(D.G. DESHPANDE, J.)

( V. M. KANADE, J.)